

30792. Adulteration and misbranding of gauze bandages and first-aid kits. U. S. v. 60 Dozen Gauze Bandages and 26 Dozen First Aid Kits. Default decree of condemnation and destruction. (F. & D. No. 45302. Sample Nos. 47329-D, 47330-D.)

These cases involved rolls of gauze bandages and first-aid kits. The latter contained, among other items, a small roll of gauze bandage and a package of cotton. At the time of examination the bandages and the absorbent cotton were contaminated with viable micro-organisms. They had been shipped in interstate commerce and remained unsold and in the original packages.

On May 11, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 dozen gauze bandages and 26 dozen first-aid kits at Baltimore, Md.; alleging that the articles had been shipped on or about November 3 and December 2, 1938, by the American White Cross Laboratories from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Green Cross Gauze Bandage" and "Lone Ranger First Aid Kits."

The gauze bandages were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, "Sterilized," since they were not sterile but were contaminated with viable micro-organisms. They were alleged to be misbranded in that the label statements "Sterilized After Packaging" and "Surgical Sanitary" were false and misleading when applied to articles which were not sterile but were contaminated with viable micro-organisms.

The first-aid kits were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, (carton containing gauze bandage) "Sterilized," and (enclosed booklet) "White Cross Products are Double Sterilized," since the gauze bandage and the absorbent cotton forming part of the kits were not sterile but were contaminated with viable micro-organisms. They were alleged to be misbranded in that the following statements and representations were false and misleading when applied to an article which contained gauze bandage and absorbent cotton which were not sterile but were contaminated with viable micro-organisms: (Carton containing gauze bandage) "Gauze Bandage Sterilized," "Sterilized After Packaging," "The White Cross of Perfection is Your Protection," and "White Cross Bandages * * * Are Scientifically Prepared under the most sanitary conditions. Absolute satisfaction guaranteed"; (package containing absorbent cotton) "White Cross Surgical Dressings None Better"; (booklet entitled "Here's my First Aid Guide and Book of the Range," enclosed in the kit) "Everybody knows that we have to guard against germs all the time. We wash our food before we eat it and also wash our knives, forks, dishes, glasses. In fact we try to make everything we touch as clean and as free from germs as possible. That's called 'sterilizing'. Even when things aren't completely sterile, the outer covering of our skin is a great natural protection against germs. So it's easy to see that when there's a break in the skin—a wound or cut of any kind—we must be even more careful than usual. That's why it's absolutely essential, that the dressings we use for wounds be completely sterile. And that's why I recommend White Cross Products. I've investigated and examined them. I know that every White Cross product is made of the very best quality. But what's even more important, White Cross products are Double Sterilized. First they're sterilized during the process of manufacture—and then, after they're actually put into their packages, the contents and packages themselves are put through a big machine and Sterilized Again: That means there's not a chance of a germ lurking in any White Cross product you use. Your hand is the first one that touches it after the final sterilization. I know that every one of you will appreciate that this is the kind of protection we want and must have in such important things as first-aid helps. So whenever you have to replace any of the necessities in your Safety Kit—be sure to say you want 'White Cross'. * * * Never let your fingers touch an open wound . . . and never cover the wound with a dirty handkerchief . . . always use White Cross Sterilized Gauze Bandage. * * * First aid directions: Bleeding Wounds with Severe Bleeding Veins . . . Blood is dark red and flows freely but does not spurt. Apply a sterilized gauze pad tightly directly over the wound. Arteries . . . elevate wound; cover with sterilized gauze. * * * Nose bleeding * * *

pack nostril with sterilized gauze or cotton. * * * Cuts and Wounds
* * * Apply antiseptic and sterilized gauze dressing."

On June 8, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30793. Adulteration and misbranding of prophylactics. U. S. v. 89 and 294 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. Nos. 45273, 45274. Sample Nos. 58464-D, 58465-D.)

Samples of these products were found to be defective in that they contained holes.

On May 6, 1939, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 383 gross of prophylactics at Spencer, Ind.; alleging that the articles had been shipped in interstate commerce on or about December 19, 1938, by the Mayfair Chemical Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Gold Town" or "Silver Town."

The articles were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

They were alleged to be misbranded in that the statements on the cartons, (Gold Town) "For Prevention of Disease," and (Silver Town) "Disease Preventative," were false and misleading.

On June 29, 1939, no claimant having appeared, judgment of condemnation was entered, and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30794. Adulteration and misbranding of rubber prophylactics. U. S. v. 26 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45350. Sample No. 67261-D.)

Samples of this product were found to be defective in that they contained holes.

On May 17, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 gross of prophylactics at New York, N. Y.; alleging that the articles had been shipped in interstate commerce on or about March 16 and 19, 1939, by W. H. Reed & Co., Inc., from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part "Surete."

They were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold, since they were sold as prophylactics; whereas they were not suitable for such purpose by reason of the fact that they, or a large percentage thereof, contained perforations or punctures.

Misbranding was alleged in that the statement on the label, "Sold for Prevention of Disease," was false and misleading when applied to prophylactics that were not suitable for the prevention of disease, in that they contained perforations or punctures.

On June 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30795. Misbranding of bandages. U. S. v. 30 Gross, 10 Gross, and 684 Packages of Blue Cross First Aid Bandages. Default decrees of condemnation and destruction. (F. & D. Nos. 45446, 45447, 45455. Sample Nos. 53686-D, 67204-D, 67205-D.)

These products had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination they were found to be contaminated with viable micro-organisms.

On June 2 and 5, 1939, the United States attorneys for the Southern District of New York and the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 30 gross packages of Mercurochrome bandages and 10 gross of borated bandages at New York, N. Y., and 684 packages of Mercurochrome bandages at Detroit, Mich.; alleging that the articles had been shipped on or about April 24 and May 3, 1939, by the Hampton Manufacturing Co. from Carlstadt, N. J.; and charging misbranding in violation of the Food and Drugs Act.